

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

WILLIAM REED, DONNA REED, *and*)
 BONNIE YOUMANS, JANE YATES,)
 PHILLIP CAULDER, *all individually*)
and for the benefit and on behalf of all)
others similarly situated,)

Plaintiffs,)

vs.)

BIG WATER RESORT, LLC; TLC)
 HOLDINGS, LLC; RICHARD CLARK;)
 JAMES THIGPEN; JIMMY “STEVE”)
 LOVELL; *and* OCOEE, LLC,)

Defendants.)

No. 2:14-cv-1583-DCN

ORDER

BIG WATER RESORT, LLC; TLC)
 HOLDINGS, LLC; RICHARD CLARK;)
 JAMES THIGPEN; JIMMY “STEVE”)
 LOVELL; OCOEE, LLC,)

Third-Party Plaintiffs,)

vs.)

M.B. HUTSON, *a/k/a* M.B. HUDSON,)

Third-Party Defendant.)

This matter is before the court on a motion to certify two questions to the South Carolina Supreme Court brought by plaintiffs William Reed, Donna Reed, Bonnie Youmans, Jane Yates, and Phillip Caulder (“plaintiffs”). Plaintiffs have alleged a cause of action against defendants Richard Clark, James Thigpen, Jimmy “Steve” Lovell, and Big Water Resort, LLC under the South Carolina Timeshare Act, S.C. Code Ann. § 27-32-120. Am. Compl. ¶ 85. Pursuant to S.C. Code Ann § 27-32-120(C), plaintiffs seek a refund for the amounts they paid to purchase

membership interests in the Big Water Resort, LLC. Id.; Pls.’ Mot. 2. The questions plaintiffs move to certify pertain to whether the membership agreements at issue are “[v]acation time sharing lease plan[s]” under S.C. Code Ann. § 27-32-10(8). Pls.’ Mot. 3.

For reasons that will be expounded in a future order, the court **DENIES** plaintiffs’ motion.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "D. Norton", written over a horizontal line.

DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

December 30, 2014
Charleston, South Carolina